

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 8:08CR112
)
vs.) ORDER
)
GARY R. HOGAN,)
)
Defendant.)

This matter is before the court on the motion to continue by defendant Gary R. Hogan (Hogan) (Filing No. 10). Hogan seeks a continuance of thirty days of the trial of this matter which is scheduled for May 27, 2008. Hogan's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted subject to Hogan filing an affidavit agreeing to the motion and acknowledging the time required for the motion will be excluded from the computations under the Speedy Trial Act.

IT IS ORDERED:

1. Hogan's motion to continue trial (Filing No. 10) is granted as set forth herein.
2. Trial of this matter is re-scheduled for **June 30, 2008**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **May 27, 2008 and June 30, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).
3. **On or before June 5, 2008**, Hogan shall file an affidavit wherein Hogan agrees to the motion and acknowledges the time required for his motion will be excluded from computations under the Speedy Trial Act in accordance with NECrimR 12.1. Failure to file such an affidavit will result in the case immediately being called for trial.

DATED this 27th day of May, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge